

## REMARKS

### Substance of Interview

Applicant's representative Elliott Mason (Reg. No. 56,569) thanks the Examiner for the telephone interview on September 12, 2006. In accordance with MPEP Section 713.04, the substance of the interview is included herein. No exhibits were shown. Applicant's representative asked for clarification of the particular parts of the cited portions of the reference Bates being relied upon to reject claim 1, and a clear explanation of their pertinence. The Examiner identified the particular parts of the cited portions being relied upon and how they were being interpreted to allegedly disclose aspects of the claimed subject matter (as described in more detail below). The Examiner agreed to consider an amendment to further clarify that the subject matter of claim 1 cannot be interpreted to read on Bates, which is presented in the present reply.

### 35 U.S.C. 112 Rejections

Claims 5, 16, and 26 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite. These claims have been amended to clarify the subject matter being claimed.

### Double Patenting Rejections

The Examiner rejected claims 1-29 under the judicially created doctrine of obviousness-type double patenting over claims 1-17 of U.S. Patent No. 6,779,053 (of which the present application is a continuation). Applicant is filing a terminal disclaimer in compliance with 37 CFR 1.321 to overcome the rejection over commonly owned patent 6,779,053.

### Prior Art Rejections

The Examiner rejected claims 1-4, 12-15, and 22-25 under 35 U.S.C. 102(e) as anticipated by Bates (US 6,253,289).

*Independent claims 1, 12, and 22*

Applicant contends that Bates neither discloses nor suggests at least “[determining] whether a first data transfer request crosses a boundary address associated with an address space, and, if it does: [determining] if the first data transfer request is indicated as being combinable with subsequent data transfer requests,” as required by each of amended claims 1, 12, and 22.

In the Office Action (page 5), the Examiner cites col. 6, lines 43-51 of Bates, reproduced below, as disclosing “determining whether a first data transfer request crosses a boundary address.”

**Decision operation is a check on whether the demands of the prefetch operation are too large and accordingly should not be initiated. For example, if the read request is too large (such as a megabyte) or if the system is starved for cache space, the prefetch operation is not initiated. If the demands on resources are too large, the flow branches YES and exits the logical operations for detecting a prefetch condition. If the demands are not too large, the operation flow proceeds to locate operation 74.**

Applicant contends that this passage describes determining whether a size of a read request is too large. In the telephone interview of September 12, 2006, the Examiner explained that the size limit for the read request implied by this passage was being interpreted as the claimed “boundary address,” and that determining whether a read request was greater than this size limit was being interpreted as the claimed “determining whether a first data transfer request crosses a boundary address.”

While Applicant disagrees that such an interpretation is proper, to advance prosecution Applicant has amended claims 1, 12, and 22 to clarify that the claimed “boundary address” is an address associated with an address space. Applicant contends that Bates does not disclose or suggest “[determining] whether a first data transfer request crosses a boundary address associated with an address space,” much less, “if it does: [determining] if the first data transfer request is indicated as being combinable with subsequent data transfer requests.” Thus, amended claims 1, 12, and 22 are allowable.

#### *Dependent claims*

The remaining claims are all properly dependent on one or more of the independent claims, and are thus allowable therewith. The dependent claims add one or more further

limitations not presently relied upon to establish patentability. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Please apply any other charges or credits to deposit account 06-1050, referencing Attorney's Docket No. 10559-707002.

Respectfully submitted,

Date: September 28, 2006

/Elliott J. Mason, III/

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